



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

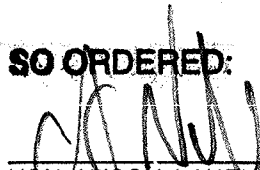
EVAN BRUSTEIN
Senior Counsel
Phone: (212) 356-2651
Fax: (212) 356-3509
ebruste@law.nyc.gov

August 2, 2017

BY ECF

Honorable Alison J. Nathan
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

SO ORDERED:


HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

8/7/17

Re: Hassan Muhammad v. City of New York, et. al., 17 CV 625 (AJN)

Your Honor:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants City of New York, Detective Jose Chevere, Sergeant Timothy Jaycox, Detective Antonio Esparra, Detective Frank Monge, Sergeant Michael Lopuzzo, Sergeant Hector Fuentes, and retired Detective Bart Snyder in the above-referenced matter. For the reasons set forth below, I write to respectfully request that the Court *sua sponte* enlarge the time within which defendant Detective Jesus Rodriguez may answer or otherwise respond to the Amended Complaint from August 4, 2017 to and including 30 days after this Office is notified that Detective Rodriguez has returned from medical leave. This is Defendants' first request for a *sua sponte* stay of Detective Rodriguez's response to the Amended Complaint. I have conferred with plaintiff's counsel, Gabriel P. Harvis, Esq., and he consents to initially staying Detective Rodriguez's response to the Complaint and his deposition, for 60 days, at which time, he would like a status report.

By way of background, plaintiff alleges, *inter alia*, that he was maliciously prosecuted on attempted murder charges, in connection with a shooting that occurred on or about September 15, 2015. On or about June 7, 2017, Defendants City and Chevere filed an Answer to the Amended Complaint. On or about August 2, 2017, defendants Jaycox, Esparra, Monge, Lopuzzo, Fuentes, and Snyder filed an Answer to the Amended Complaint. See Civil Docket Report, at Document No. 44

Upon information and belief, Detective Jesus Rodriguez has been out on leave, and does not have a return-to-work date. Accordingly, this Office has been unable to complete its mandatory representation investigation with regard to him.

In light of the foregoing, Defendants respectfully request that the Court *sua sponte* stay Detective Rodriguez's response to the Amended Complaint until 30 days after this Office is notified that he has returned to work. In the event the Court is inclined to grant this application, Defendants will provide a status report to the Court and plaintiff within 60 days.

SO
ORDERED

Defendants thank the Court for its time and consideration.

Respectfully submitted,

/s/

Evan Brustein

Senior Counsel

Special Federal Litigation Division

CC: Gabriel P. Harvis, Esq. (BY ECF)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: AUG 07 2017